

Serial No.: 10/757,229

Docket No.: DAY 0807 VA/40195.817

Remarks

Claims 1-9 are pending in the application. Claims 1-9 are rejected. Claim 1 is amended
No new matter has been entered.

In the office action, the examiner rejected claims 1-9 as being obvious under § 103(a) in light of Mahl (US 3,998,347) and Caldwell (US 3,160,549). The Applicants respectfully traverse this rejection, because the cited references, singularly or in combination, fail to teach or suggest all elements of the claimed invention.

Amended independent claim 1 recites, *inter alia*, a sound dampening pad comprising a length of flexible polymeric material. The pad comprises a generally curved J-shaped configuration when viewed from an end thereof, and further comprises inner and outer surfaces. The inner surface comprises the inner radius of the J-shaped configuration and the outer surface comprises the outer radius of the J-shaped configuration. The inner surface further comprises a pressure sensitive adhesive thereon. Independent claim 8 recites, *inter alia*, a sound dampening pad having a generally curved configuration.

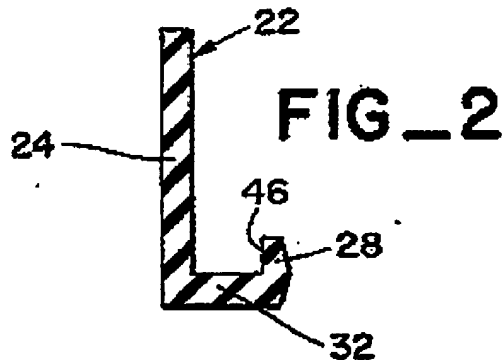
Mahl is cited for teaching an elastomeric ring 22 comprising a flexible polymeric material with a J-shaped configuration. Mahl is also cited for teaching an inner surface comprising an inner radius, and an outer surface comprising an outer radius. The examiner concedes that Mahl fails to teach a pressure sensitive adhesive located on the inner surface of outer leg 24.

To cure this noted deficiency, the examiner adds the pressure sensitive adhesive of the Caldwell sound dampening member to the arrangement of Mahl. The examiner asserts it would have been obvious to make the combination, because the adhesive would provide ready-to-lay convenience to the Mahl arrangement.

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However, the examiner errs, because Mahl, alone or in combination with Caldwell, does not teach all elements of independent claims 1 and 8. As shown below in Fig. 2 of Mahl, Mahl does not teach a generally curved J-shaped configuration, as recited in claim 1 or a generally curved configuration, as recited in claim 8.



The outer leg 24 perpendicularly intersects with the cross member 32, and creates an angled not curved configuration. The cross member 32 must be flat, not curved, in order to perform its function of sealing the bell jar 12 to surface 14. Thus, Mahl does not teach the curved J-shaped configuration of claim 1 or the curved configuration of claim 8. Nor would one skilled in the art modify Mahl to make an elastomeric ring 22 with a curved configuration, because to do so would make the ring inoperable for its intended purpose. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In addition, Mahl teaches a creep resistant sealing arrangement, and does not teach or suggest that the sealing arrangement may function as a sound dampening pad as recited in the claims. For instance, the claimed generally curved configuration enables the sound dampening pad to form an interference fit around a support cylinder, wherein the tight fit substantially reduces sound vibrations. *See generally* [0002] and [0036]. In contrast, Mahl's non-curved structure is designed to accommodate a metal collar 42 as well as glass 13. Because the functions

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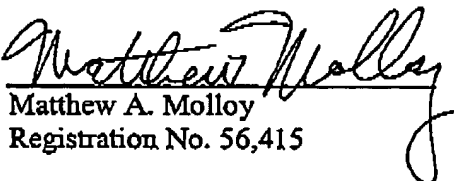
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of Mahl and the claimed invention are substantially different, there is no teaching or suggestion that Mahl could facilitate sound dampening. Accordingly, the cited references fail to teach all elements of the claimed invention, thus independent claims 1 and 8 and all claims dependent thereon are in condition for allowance.

The Applicants respectfully submit that, in view of the above amendments and remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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